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6 **BEFORE THE**
7 **BOARD OF REGISTERED NURSING**
8 **DEPARTMENT OF CONSUMER AFFAIRS**
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2012-309

11 **VIKKI DIANNE JIMERSON, AKA VIKKI**
12 **DIANNE CHILDRESS JIMERSON**
13 **460 Taylor Cemetery Road**
14 **Guntersville, AL 35976**
15 **Registered Nurse License No. 496923**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

Respondent.

16 **FINDINGS OF FACT**

17 1. On or about November 15, 2011, Complainant Louise R. Bailey, M.Ed., R.N., in her
18 capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer
19 Affairs, filed Accusation No. 2012-309 against Vikki Dianne Jimerson, aka Vikki Dianne
20 Childress Jimerson (Respondent) before the Board of Registered Nursing. (Accusation attached
21 as Exhibit A.)

22 2. On or about November 30, 1993, the Board of Registered Nursing issued Registered
23 Nurse License No. 496923 to Respondent. The Registered Nurse License expired on July 31,
24 2007, and has not been renewed.

25 3. On or about November 15, 2011, Respondent was served by Certified and First Class
26 Mail copies of the Accusation No. 2012-309, Statement to Respondent, Notice of Defense,
27 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
28 and 11507.7) at Respondent's address of record which, pursuant to California Code of

1 Regulations, title 16, section 1409.1, is required to be reported and maintained with the Board,
2 which was and is:

3 460 Taylor Cemetery Road
4 Guntersville, AL 35976.

5 4. Service of the Accusation was effective as a matter of law under the provisions of
6 Government Code section 11505, subdivision (c) and Business and Professions Code section 124.

7 5. On or about December 2 and December 5, 2012, the aforementioned documents were
8 returned by the U.S. Postal Service marked "UTF," an abbreviation for unable to forward.

9 6. Government Code section 11506 states, in pertinent part:

10 (c) The respondent shall be entitled to a hearing on the merits if the respondent
11 files a notice of defense, and the notice shall be deemed a specific denial of all parts
12 of the accusation not expressly admitted. Failure to file a notice of defense shall
13 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
14 may nevertheless grant a hearing.

15 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
16 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2012-
17 309.

18 8. California Government Code section 11520 states, in pertinent part:

19 (a) If the respondent either fails to file a notice of defense or to appear at the
20 hearing, the agency may take action based upon the respondent's express admissions
21 or upon other evidence and affidavits may be used as evidence without any notice to
22 respondent.

23 9. Pursuant to its authority under Government Code section 11520, the Board finds
24 Respondent is in default. The Board will take action without further hearing and, based on the
25 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
26 taking official notice of all the investigatory reports, exhibits and statements contained therein on
27 file at the Board's offices regarding the allegations contained in Accusation No. 2012-309, finds
28 that the charges and allegations in Accusation No. 2012-309, are separately and severally, found
to be true and correct by clear and convincing evidence.

10. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement is \$455.00 as of March 7, 2012.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact Respondent Vikki Dianne Jimerson aka Vikki Dianne Childress Jimerson has subjected her Registered Nurse License No. 496923 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Registered Nursing is authorized to revoke Respondent's Registered Nurse License based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Evidence Packet in this case:

a. Business and Professions Code section 2761(a)(4) for disciplinary action by the Alabama Board of Nursing suspending Respondent's Alabama nursing license in March 2009 for submitting false documents and revoking her Alabama nursing license in March 2010 for failing to comply with the 2009 order.

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Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

It is so ORDERED JULY 5, 2012 ✓

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DOJ Matter ID:LA2011504918
Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

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Attorneys for Complainant

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8 BEFORE THE
BOARD OF REGISTERED NURSING
9 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2012-309

11 VIKKI DIANNE JIMERSON AKA VIKKI
12 DIANNE CHILDRESS JIMERSON

A C C U S A T I O N

13 460 Taylor Cemetery Rd.
14 Guntersville, AL 35976

15 Registered Nurse License No. 496923

16 Respondent.

17 Complainant alleges:

18 PARTIES

19 1. Louise R. Bailey, M.Ed., R.N. ("Complainant") brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
21 Department of Consumer Affairs.

22 2. On or about November 30, 1993, the Board issued Registered Nurse License Number
23 496923 to Vikki Dianne Jimerson aka Vikki Dianne Childress Jimerson ("Respondent"). The
24 Registered Nurse License expired on July 31, 2007 and has not been renewed.

25 JURISDICTION

26 3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
27 part, that the Board may discipline any licensee, including a licensee holding a temporary or an
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1 inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of
2 the Nursing Practice Act.

3 4. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
4 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
5 licensee or to render a decision imposing discipline on the license. Under Code section 2811,
6 subdivision (b), the Board may renew an expired license at any time within eight years after the
7 expiration.

8 5. Section 118 subdivision (b) of the Code grants the Board jurisdiction over suspended,
9 expired, forfeited, cancelled, or surrendered licenses:

10 "The suspension, expiration, or forfeiture by operation of law of a license
11 issued by a board in the department, or its suspension, forfeiture, or cancellation by
12 order of the board or by order of a court of law, or its surrender without the written
13 consent of the board, shall not, during any period in which it may be renewed,
14 restored, reissued, or reinstated, deprive the board of its authority to institute or
continue a disciplinary proceeding against the licensee upon any ground provided by
law or to enter an order suspending or revoking the license or otherwise taking
disciplinary action against the licensee on any such ground."

15 STATUTES

16 6. Section 2761 of the Code provides, in pertinent part, authority for the Board to take
17 disciplinary action:

18 "The board may take disciplinary action against a certified or licensed
19 nurse or deny an application for a certificate or license for any of the following:

20 (a) Unprofessional conduct, which includes, but is not limited to, the
21 following:

22 (4) Denial of licensure, revocation, suspension, restriction, or any other
23 disciplinary action against a health care professional license or certificate by another
24 state or territory of the United States, by any other government agency, or by another
25 California health care professional licensing board. A certified copy of the decision
or judgment shall be conclusive evidence of that action."

26 (e) Making or giving any false statement or information in connection
27 with the application for issuance of a certificate or license."

28 COST RECOVERY

7. Section 125.3 provides, in pertinent part, that the Board may request the
administrative law judge to direct a licensee found to have committed a violation or violations of

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

3 **CAUSE FOR DISCIPLINE**

4 **(Disciplinary Action by the Alabama Board of Nursing)**

5 8. Respondent is subject to discipline pursuant to Section 2761 subdivision (a)(4) of the
6 Code on the grounds of unprofessional conduct because she was disciplined by the Alabama
7 Board of Nursing ("Alabama Board"), as follows:

8 9. On or about March 20, 2009, the Alabama Board settled a disciplinary action against
9 Respondent by suspending her Alabama nursing license for 3 to 12 months. In that settlement
10 agreement, entitled "Consent Order" *In the Matter of: Vikki Dianne Childress Jimerson*, the
11 Alabama Board made and Respondent admitted to the following findings of fact and conclusions
12 of law:

13 A. On May 30, 2008, Respondent applied for reinstatement of her lapsed
14 Alabama nursing license. On the application questionnaire, she claimed she had completed 24
15 hours of continuing education within the past two years. She had not. Instead, she submitted
16 altered and falsified certificates purporting to show she had taken the required continuing
17 education.

18 B. Her submission of false, forged, or altered documents or credentials violated
19 Alabama law and constituted grounds for disciplinary action by the Alabama Board.

20 10. In its March 2009 Consent Order, the Alabama Board placed Respondent's license on
21 3 to 12 months suspension, ordered her to pay a \$500 fine, ordered her to complete the continuing
22 education coursework she had not completed, and ordered her to take an additional course on the
23 legal or ethical aspects of nursing. If she did not pay the fine and take the required coursework in
24 12 months, it ordered that her license would be revoked. She did not.

25 11. In March 2010, the Alabama Board revoked Respondent's nursing license for failing
26 to comply with the 2009 Consent Order.

27 12. Under Section 2761 subdivision (a)(4) of the Code the Alabama Board's disciplinary
28 action against Respondent in March 2009 suspending her license for submitting false documents

1 and its disciplinary action in March 2010 revoking her license for failing to comply with the 2009
2 Consent Order are separate and independent grounds for the California Board to take disciplinary
3 action.

4 PRAYER

5 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
6 and that following the hearing, the Board of Registered Nursing issue a decision:

7 1. Revoking or suspending Registered Nurse License Number 496923, issued to Vikki
8 Dianne Jimerson aka Vikki Dianne Childress Jimerson;

9 2. Ordering Vikki Dianne Jimerson aka Vikki Dianne Childress Jimerson to pay the
10 Board of Registered Nursing the reasonable costs of the investigation and enforcement of this
11 case, pursuant to Business and Professions Code Section 125.3; and,

12 3. Taking such other and further action as deemed necessary and proper.

13 DATED: November 15, 2011

14 Louise R. Bailey
15 LOUISE R. BAILEY, M.Ed., R.N.
16 Executive Officer
17 Board of Registered Nursing
18 Department of Consumer Affairs
19 State of California
20 Complainant

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